

EXHIBIT 2

**REDACTED VERSION OF DOCUMENT
SOUGHT TO BE SEALED**

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 - - - - -x

5 HUAWEI TECHNOLOGIES :
6 CO., LTD., HUAWEI :
7 DEVICE USA, INC. And : Civil Action No.
8 HUAWEI TECHNOLOGIES : 16-cv-02787-WHO
9 USA, INC., :
10 :
11 Plaintiffs/ :
12 Counterclaim- :
13 Defendants, :
14 v. :
15 SAMSUNG ELECTRONICS :
16 CO. LTD., SAMSUNG :
17 ELECTRONICS AMERICA, :
18 INC., :
19 :
20 Defendants/ :
21 Counterclaim- :
22 Plaintiffs

23
24
25 - - - - -x

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Transcript of Hojin Chang, Corporate Designee

Conducted on May 31, 2018

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(Caption continued on next page)

- - - - -x

and

SAMSUNG RESEARCH AMERICA,

Defendant,

vs.

HISILICON TECHNOLOGIES CO.,

LTD.,

Counterclaim-Defendant.

- - - - -x

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Deposition of Samsung by and through its corporate

representative HOJIN CHANG

New York, New York

Thursday, May 31, 2018

9:07 a.m.

Job No.: 192018

Pages: 1 - 54

Reported By: Nancy Mahoney, CCR/RPR

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins tape number one in the videotaped deposition of Hojin Chang in the matter of Huawei Technologies Company Ltd. et al. versus Samsung Company Ltd. et al., in the United States District Court, Northern District of California, San Francisco Division, Case No. 16-cv-02787.

Today's date is Thursday, May 31st, 2018, and the time on the video monitor is 9:07 a.m. The videographer today is John Edmonds representing Planet Depos. This video deposition is taking place at 51 Madison Avenue in New York, New York 10010.

Would counsel please voice-identify themselves and state whom they represent.

MR. GIARDINA: David Giardina from Sidley Austin LLP on behalf of Huawei.

MR. PEASE: Tom Pease from Quinn Emanuel on behalf of Samsung and the witness Hojin Chang.

THE VIDEOGRAPHER: The court reporter today is Nancy Mahoney representing Planet Depos.

Would the court reporter please swear in the witness.

09:07:15
09:07:17
09:07:20
09:07:24
09:07:27
09:07:30
09:07:33
09:07:39
09:07:42
09:07:46
09:07:49
09:07:51
09:07:55
09:07:58
09:07:59
09:08:02
09:08:04
09:08:06
09:08:09
09:08:11
09:08:13
09:08:17
09:08:19

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1 HOJIN CHANG,
2 after having been first duly sworn or affirmed to
3 testify to the truth, was examined and
4 testified as follows:

5 EXAMINATION BY COUNSEL FOR THE
6 PLAINTIFF HUAWEI BY DAVID GIARDINA:

7 Q Good morning, Mr. Chang.

09:08:31

8 A Good morning.

09:08:32

9 Q Could you state and spell your name for
10 the record, please.

09:08:33

09:08:37

11 A My name is Hojin Chang. H-o-j-i-n.
12 C-h-a-n-g.

09:08:37

09:08:40

13 Q Has there been any change in your job
14 title or your responsibilities since you were
15 deposed in March of this year?

09:08:43

09:08:46

09:08:48

16 A No change.

09:08:51

17 Q Any reason you can't testify accurately or
18 truthfully today?

09:08:53

09:08:55

19 A No reasons.

09:08:56

20 Q If I ask you a question today that you
21 don't understand, will you let me know so that I
22 can rephrase the question?

09:08:59

09:09:00

09:09:03

23 A Yes.

09:09:05

24 Q If you need a break at any point today,
25 just let me know. The deposition isn't going to

09:09:05

09:09:07

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1 2013.

09:34:40

2 Q You see the name of the person that signed
3 the declaration at the bottom of the first page of
4 Exhibit 734, a Mr. Guo?

09:34:47

09:34:51

09:34:53

5 A Yes.

09:34:56

6 Q Do you have any reason to believe that
7 Mr. Guo was lying when he submitted this
8 declaration?

09:34:57

09:35:01

09:35:03

9 MR. PEASE: Objection, lack of foundation,
10 vague.

09:35:06

09:35:08

11 A Yes.

09:35:12

12 Q What factual basis do you have for
13 believing that Mr. Guo was lying when he submitted
14 this declaration on behalf of Huawei?

09:35:15

09:35:18

09:35:22

15 A According to this declaration, Huawei was
16 committed to grant irrevocable licenses under
17 fair, reasonable and nondiscriminatory terms, and
18 we believed that Huawei has not done so. So they
19 have made a false declaration.

09:35:24

09:35:30

09:35:36

09:35:41

09:35:45

20 Q So I want to break this down a little bit.
21 When -- is it your belief that when Mr. Guo made
22 this declaration, that Huawei had an intention as
23 of March 4th, 2009 not to honor the FRAND
24 commitment that it was making here?

09:35:51

09:35:58

09:36:02

09:36:09

09:36:13

25 MR. PEASE: Objection, lacks foundation,

09:36:28

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1	[REDACTED]	09:54:16
2	[REDACTED]	09:54:17
3	[REDACTED]	09:54:21
4	[REDACTED]	09:54:24
5	MR. PEASE: Objection. I'll caution you	09:54:30
6	not to speculate.	09:54:30
7	A I don't know. I don't know the details	09:54:32
8	now.	09:54:47
9	Q Other than Huawei's conduct in the course	09:54:48
10	of its negotiation, conduct, offers -- I mean that	09:54:51
11	broadly --	09:54:56
12	A Yes.	09:55:03
13	Q Let me start over.	09:55:03
14	Other than Huawei's conduct in its	09:55:04
15	negotiations with Samsung, do you have any reason	09:55:07
16	to -- any other reason to believe that the	09:55:11
17	declaration that's been marked as Exhibit 735 was	09:55:16
18	false when Mr. Guo signed it on July 6th, 2010?	09:55:20
19	A Not that I can think of sitting here	09:55:31
20	today.	09:55:32
21	Q Now, if you turn with me to Exhibit 736.	09:55:32
22	That's a declaration signed by a Mr. Du from	09:55:34
23	Huawei -- that's D-U -- dated April 21st, 2011.	09:55:39
24	Other than the conduct that you've	09:55:47
25	described in Huawei's negotiations with Samsung,	09:55:50

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1 do you have any other reason to believe the 09:55:55

2 statement marked as Exhibit 736 was false at the 09:55:58

3 time that it was made? 09:56:02

4 MR. PEASE: Objection, vague. 09:56:07

5 A Same conduct. 09:56:19

6 Q And then if you turn to Exhibit 737, that 09:56:20
7 is a declaration that Huawei made on April 26th, 09:56:27
8 2012, also signed by Mr. Du. 09:56:30

9 Do you see that? 09:56:33

10 A Yes. 09:56:35

11 Q Other than Huawei's conduct vis-à-vis 09:56:35
12 Samsung in the course of your negotiations, is 09:56:38
13 there any other factual basis that you had for 09:56:41
14 asserting that the commitment that Huawei made to 09:56:47
15 license its patents on FRAND terms was false when 09:56:50
16 Mr. Du signed this declaration on April 26, 2012? 09:56:54

17 MR. PEASE: Objection, vague. 09:56:58

18 A Same conduct. 09:57:00

19 Q Now, you mentioned a moment ago that 09:57:04
20 Huawei had put on its website that it would seek a 09:57:06
21 royalty that -- expected to seek a royalty not to 09:57:15
22 exceed 1.5 percent. 09:57:18

23 Do you recall that? 09:57:21

24 A Yes. 09:57:25

25 Q And that was a statement that Huawei made 09:57:25

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1	[REDACTED]	10:31:26
2	[REDACTED]	10:31:30
3	[REDACTED]	10:31:35
4	[REDACTED]	10:31:41
5	Q Other than the FRAND declarations that	10:31:53
6	Huawei has made to ETSI, are there any other	10:31:58
7	statements that Huawei has made to ETSI or 3GPP	10:32:03
8	that you believe to have been false?	10:32:06
9	A I think it's the IPR declarations.	10:32:12
10	Q And just to be clear, the basis on which	10:32:15
11	you conclude that those IPR declarations were	10:32:19
12	false is the way in which Huawei has negotiated	10:32:24
13	with Samsung?	10:32:32
14	MR. PEASE: Objection, mischaracterizes	10:32:33
15	the witness's testimony.	10:32:39
16	A Yeah, that's just too simple. You can	10:32:39
17	review my prior testimony which listed all the	10:32:40
18	examples.	10:32:44
19	Q Yeah. I just want to be clear. All of	10:32:45
20	the examples that you gave are things that Huawei	10:32:47
21	supposedly has done vis-à-vis Samsung in the	10:32:50
22	course of your negotiations.	10:32:52
23	A Right.	10:32:56
24	Q So there's nothing external to the	10:32:58
25	negotiations that you've had with Huawei that lead	10:33:00

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1	you to believe that Huawei was making false	10:33:02
2	declarations when it submitted IPR declarations to	10:33:05
3	ETSI?	10:33:08
4	MR. PEASE: Objection, vague.	10:33:09
5	A External ones, I don't know, but what I	10:33:13
6	consider to be false is those negotiations.	10:33:16
7	[REDACTED]	10:33:23
8	[REDACTED]	10:33:25
9	[REDACTED]	10:33:29
10	[REDACTED]	10:33:33
11	[REDACTED]	10:33:36
12	[REDACTED]	10:33:38
13	[REDACTED]	10:33:42
14	[REDACTED]	10:33:46
15	[REDACTED]	10:33:50
16	[REDACTED]	10:33:55
17	[REDACTED]	10:34:00
18	[REDACTED]	10:34:01
19	[REDACTED]	10:34:04
20	[REDACTED]	10:34:07
21	[REDACTED]	10:34:10
22	[REDACTED]	10:34:11
23	[REDACTED]	10:34:14
24	[REDACTED]	10:34:18
25	[REDACTED]	10:34:20

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C E R T I F I C A T E

I, Nancy Mahoney, Certified Court Reporter and Registered Professional Reporter and Notary Public within and for the State of New York, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was not requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 4th day of June, 2018.

My commission expires: June 10, 2018



NOTARY PUBLIC IN AND FOR
THE STATE OF NEW YORK